

J. SCOTT MOEDE, OSB 934816
Chief Deputy City Attorney
scott.moede@portlandoregon.gov
NAOMI SHEFFIELD, OSB 170601
Deputy City Attorney
naomi.sheffield@portlandoregon.gov
ROBERT YAMACHIKA, OSB 065560
Senior Deputy City Attorney
rob.yamachika@portlandoregon.gov
Portland City Attorney's Office
1221 SW 4th Ave., Rm. 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendant City of Portland

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, a nonprofit corporation, in its individual capacity, NICHOLAS J. ROBERTS, in an individual capacity and on behalf of themselves and all others similarly situated, MICHELLE "MISHA" BELDEN, in an individual capacity and on behalf of themselves and all others similarly situated, ALEXANDRA JOHNSON, in an individual capacity and on behalf of themselves and all others similarly situated,

3:20-cv-00917-HZ

**STIPULATED ADDITIONAL
TEMPORARY RESTRAINING ORDER**

PLAINTIFFS,

v.

CITY OF PORTLAND, a municipal corporation, and MULTNOMAH COUNTY, a political subdivision of the State,

DEFENDANTS.

The parties hereby jointly stipulate to the following modification to the Temporary Restraining Order entered by this Court on June 9, 2020 (Dkt# 29), and extended through July 24, 2020 (Dkt #34)

PPB is restricted in using the following munitions in connection with crowd control as follows:

(1) FN303s and 40MM less lethal launchers with or without OC payload are limited to use as outlined in PPB Use of Force Directive 1010, and in addition shall not be used where people engaged in passive resistance are likely to be subjected to the force.

(2) Rubber Ball Distraction Devices (“RBDD”) shall be limited to use as outlined in PPB Use of Force Directive 1010. In addition, use of RBDD shall be limited to situations in which the lives or safety of the public or the police are at risk and shall not be used to disperse crowds where there is no or little risk of injury.

(3) Aerosol restraints (handheld OC or “pepper spray”) shall not be used against persons engaged in passive resistance, and consistent with PPB Use of Force Directive 1010, members shall minimize exposure to non-targeted persons.

(4) Long Range Acoustical Devices (“LRAD”) shall be prohibited for use as a warning signal or distraction tactic and shall be used for announcements only.

“Passive resistance” as used above means a person’s non-cooperation with a member that does not involve violence or other active conduct by the individual.

This order shall remain in effect until July 24, 2020 or until the Court orders otherwise, or by agreement of the parties.

So stipulated:

/s/ J. Ashlee Albies

J. Ashlee Albies, Franz Bruggemeier,
Juan C. Chavez, Alex Meggitt, Jesse
Alan Merrithew, Brittney Plessner,
Viktoria Safarian and Whitney Stark
Attorneys for Plaintiffs

/s/ J. Scott Moede

J. Scott Moede
Naomi Sheffield
Robert Yamachika

Attorneys for Defendant City of Portland

The Court adopts the above Stipulated Additional Temporary Restraining Order in this action.

IT IS SO ORDERED.

DATED: _____

Honorable Marco A. Hernandez